

In re: DOUGLAS J. PETERSON, Debtor.

JUPITER LAW CENTER, P.A., and
RANDY D. ELLISON

Plaintiffs,
v.

DOUGLAS J. PETERSON

Defendant.

CASE NO. 04-32648-BKC-PGH
ADV. NO: 04-3218-BKC-PGH-A

The plaintiffs filed an adversary proceeding seeking to except from discharge attorneys' fees incurred by the defendant-debtor in an underlying state court paternity and visitation action. The defendant-debtor argued that the attorneys' fees incurred in the underlying state court action are dischargeable. The Court held that the attorneys' fees incurred by the defendant-debtor are not dischargeable because attorneys' fees incurred in litigating visitation and paternity issues are "in the nature of support" pursuant to 11 U.S.C. § 523(a)(5). The Court also held that attorneys' fees incurred in appealing the fees awarded in the underlying state court action are not dischargeable.